

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

---

AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY, ET AL.,

Case No. 3:11-CV-00678(SLC)

Plaintiffs,

vs.

ELECTROLUX HOME PRODUCTS, INC.,

Defendant.

---

**DEFENDANT ELECTROLUX HOME PRODUCTS, INC.’S MOTION TO PRECLUDE  
TESTIMONY OF W. JOSEPH FALLOWS, MICHAEL R. STODDARD, JR. AND  
ERIC J. BOELHOUWER, Ph.D.**

Defendant, Electrolux Home Products, Inc. (“Electrolux”), hereby moves to preclude the testimony of Plaintiffs’ expert witnesses W. Joseph Fallows, Michael R. Stoddard, Jr., and Eric J. Boelhouwer, Ph.D., on the grounds that none of these experts offers testimony that meets the requirements of Fed. R. Evid. 702 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). Defendants further move to preclude the testimony of W. Joseph Fallows regarding “engineering ethics” pursuant to Fed. R. Evid. 403.

This motion is supported by the Brief in Support of Defendant Electrolux Home Products, Inc.’s Motion to Preclude Testimony of W. Joseph Fallows, Michael R. Stoddard, Jr., and Eric J. Boelhouwer, Ph.D., and the exhibits filed therewith.

This 7th day of April, 2014.

TUCKER ELLIS LLP

Joseph M. Fasi II, SBN 1006655  
Joseph\_Fasi@gshllp.com  
Gonzalez Saggio & Harlan, LLP  
111 E. Wisconsin Avenue, Suite  
1000  
Milwaukee, WI 53202  
Telephone: (414) 277-8500  
Facsimile: (414) 277-8521

Robert H. Shulman (*pro hac vice*)  
rshulman@manatt.com  
David B. Killalea (*pro hac vice*)  
dkillalea@manatt.com  
Manatt, Phelps & Phillips, LLP  
700 12<sup>th</sup> Street N.W., Suite 1100  
Washington, D.C. 20005  
Telephone: (202) 585-6500  
Facsimile: (202) 585-6600

By: /s/ Joseph J. Morford  
Joseph J. Morford (*pro hac vice* pending)  
joseph.morford@tuckerellis.com  
John Patterson (*pro hac vice*)  
john.patterson@tuckerellis.com  
950 Main Avenue, Suite 1100  
Cleveland, OH 44113  
Telephone: (216) 592-5000  
Facsimile: (216) 592-5009

Rebecca M. Biernat (*pro hac vice*)  
rebecca.biernat@tuckerellis.com  
Traci L. Shafroth (*pro hac vice* pending)  
traci.shafroth@tuckerellis.com  
Tucker Ellis LLP  
One Market Plaza  
Steuart Tower, Suite 700  
San Francisco, CA 94105  
Telephone: (415) 617-2400  
Facsimile: (415) 617-2409

*Attorneys for Electrolux Home Products,  
Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2014, a copy of the foregoing DEFENDANT ELECTROLUX HOME PRODUCTS, INC.'S MOTION TO PRECLUDE TESTIMONY OF W. JOSEPH FALLOWS, MICHAEL R. STODDARD, JR., AND ERIC J. BOELHOUWER, Ph.D. was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Rebecca M. Biernat

Rebecca M. Biernat – Admitted *Pro Hac Vice*

Tucker Ellis LLP

One Market Plaza

Steuart Tower, Suite 700

San Francisco, CA 94105

Telephone: 415.617.2223

Facsimile: 415.617.2409

E-mail: rebecca.biernat@tuckerellis.com

*Attorney[s] for Electrolux Home Products, Inc.*